

CITY OF PRESTON PLANNING AND ZONING MEETING
February 22, 2017

ROLL CALL Roll Call showed the following Board members present: Chairman Linda Hansen, Commissioner Bruce Hodges, Commissioner Penny Wright, Commissioner Brock Alder

Staff present: Wendy Merrill, Mark Owens, Tyler Olson

Others: Barrie Campbell, Mason Croft, Allen Harrison, Leon Henrichs, Scott Palmer, Tyrell Simpson, Howard Thomas, Bob Wright

Meeting was called to order at 6:00 p.m. by Chairman Linda Hansen

REVIEW AND APPROVAL OF PLANNING & ZONING MINUTES 02/08/17 It was moved by Commissioner Bruce Hodges and seconded by Commissioner Penny Wright to approve the Planning and Zoning Minutes of February 8, 2017. The motion received unanimous approval.

REPORT OF APPROVED BUILDING PERMIT City Engineer Mark Owens reported on the following approved building permit:

FAMILY DOLLAR	197 South State	Sign
---------------	-----------------	------

PUBLIC HEARING VARIANCE BARRIE C. CAMPBELL 840 N. BROOKSIDE DRIVE Chairman Linda Hansen called for the Public Hearing to give consideration to the application of Barrie C. and Cathy C. Campbell, 840 North Brookside Drive, for a variance to the requirements of Section 17.08.040(A), requiring buildings to be erected no closer than 30 feet from the street property line. Specifically, the applicants are requesting a ten foot encroachment into the front set-back requirement, as follows:

NOTICE OF PUBLIC HEARING

Notice is hereby given that a public hearing will be held on February 22, 2017, before the City of Preston Planning and Zoning Commission at the hour of 6:05 P.M., or as soon thereafter as the matter can be heard, at the city hall located at 70 West Oneida St., Preston, Idaho to give consideration to the application of Barrie C. and Cathy C. Campbell, 840 North Brookside Drive, for a Variance to the requirements of Section 17.08.040(A), Preston Municipal Code, which requires buildings to be erected no closer than thirty (30) feet from the street property line. Specifically, the applicants are requesting a ten (10) foot encroachment into the front set-back requirement for the placing of the primary dwelling. A copy of the Application for Variance is on file with the City Clerk at the above stated address, and may be reviewed upon request to the City Clerk.

All persons present will be given the opportunity to be heard in regard to said Application. Written comments or objections to said variance may be submitted to the City Clerk at the above stated address, and the same will be considered if received prior to said public hearing.

Dated this 24th day of January, 2017.

s/Linda Acock, City Clerk

CITY OF PRESTON PLANNING AND ZONING MEETING

February 22, 2017

Chairman Linda Hansen gave guidelines for holding a public hearing, and asked if any Board member needed to declare a conflict of interest, or ex-parte contact with the matter. There being none, Chairman Linda Hansen opened the public hearing and asked Barrie Campbell, 840 North Brookside Drive, to present his request for a variance to the front set-back requirements.

Barrie Campbell, currently residing in Menands, New York, and owner of the property at 840 North Brookside Drive, stated that he and his wife are planning to build a single family dwelling on the property, and that due to having polio as an infant, the dwelling needs to be on one level. Based on representations made by the seller and realtor, and upon analysis of the subdivision plat on file with the Franklin County Assessor, he believed the dwelling would fit between the frontage set-back and the irrigation easement that crosses the lot. He explained that after purchasing the lot, he hired a surveyor, and was told by the surveyor that the property line does not follow the curb of Brookside Drive, and there was not enough depth between the required set-back from the road to the edge of the irrigation easement for the proposed dwelling. He then contacted the Consolidated Irrigation Company and was told they would not allow any encroachment on their easement. Due to these issues, he was requesting a variance from the front set-back requirements.

Chairman Linda Hansen asked if there was anyone in attendance to provide testimony in favor of granting the request for variance.

Bob Wright, 940 North Brookside Drive, stated he was in support of granting the variance, and that it would be a positive addition to the subdivision.

Mason Croft, 440 East Brookside Court, stated he was in support of granting the variance due to the irrigation easement.

Howard Thomas, 941 North Brookside Drive, stated that the Consolidated Irrigation Company was responsible for enclosing the open irrigation canal into an underground pipeline, through no fault of the Campbell's, and therefore he was in support of granting the variance.

Allen Harrison, owner of lot #4, 450 East Brookside Court, also stated the canal creates an unfortunate issue for Mr. Campbell, and he was in support of granting the variance.

Chairman Linda Hansen read the following written comment in support of granting the variance:

Feb. 14, 2017

To: Planning & Zoning Commission

Re: Lot 5 Block 2 Phase 3 April 14, 1998 Country Club Estates Subdivision
840 N. Brookside Dr., Preston, ID 83263

I am writing in behalf of Barrie and Cathy Campbell. They are seeking a variance to build a home on lot 5 block 2. He has mobility issues, they need to build a one level home close to the street.

There is an issue with the Irrigation Company. There is an 30' irrigation easement, that crosses the subject property.

CITY OF PRESTON PLANNING AND ZONING MEETING
February 22, 2017

I do not have a home there as I live in Utah. But I am a neighbor lot owner.

It appears the Campbell's have done research and due diligence. I feel the Campbell's should be granted the variance.

Respectfully submitted,
Joyce Fitzgerald
(801) 671-4241
650 S. Main St. #1106
Bountiful, UT 84010

Chairman Linda Hansen asked if there was anyone in attendance to provide neutral testimony in regard to the special use permit.

There being none, Chairman Linda Hansen asked if there was anyone in attendance to provide testimony against granting the request for a special use permit.

There being none, Chairman Linda Hansen closed the public hearing and opened the meeting up to the Board for discussion.

After discussion, it was moved by Commissioner Penny Wright and seconded by Commissioner Brock Alder to recommend to Preston City Council the approval of the Request for Variance for Barrie C. and Cathy C. Campbell, as presented, and to allow Chairman Linda Hansen to sign the Findings and Recommendations. The motion received unanimous approval.

**TRANSFER
OF WATER
RIGHTS UPON
ANNEXATION**

City Attorney Tyler Olson presented the proposed ordinance draft of the City of Preston Municipal Code, Chapter 13.72, dealing with the transfer of water rights, Section 13.72.020; replacing predecessor companies with Consolidated Irrigation Company; changing the amount to be paid in lieu of water transfer to \$3,000.00 per lot; deleting distinction between lot sizes; and requiring agreement at the time of annexation.

After Board discussion, it was moved by Commissioner Penny Wright and seconded by Commissioner Bruce Hodges to have City Clerk Linda Acock set a public hearing for the proposed ordinance dealing with the transfer of water rights upon annexation. The motion received unanimous approval.

**DISCUSSION
LOCATION
OF 600 AND
650 NORTH
CONNECTING
TO STATE
STREET**

Scott Palmer approached the Board with a request to develop 650 North Street, connecting to North State Street, and transitioning with a jog further up into 6th North Street, in order to develop a commercial area. He previously appeared before the Board requesting a zone change of the area, which has been set for public hearing before the Board on March 8, 2017. He stated he had already approached the Idaho Transportation Department and has been granted access onto North State Street.

City Engineer Mark Owens advised that 6th North is one of the last remaining corridors in that area, and 650 North Street would be a variation to the master plan, so it would have to transition back to 6th North Street at some point.

CITY OF PRESTON PLANNING AND ZONING MEETING
February 22, 2017

After Board discussion, it was moved by Commissioner Brock Alder and seconded by Chairman Linda Hansen to recommend to Preston City Council the approval of Scott Palmer's request to develop 650 North Street, with the transition back into 6th North Street. The motion received unanimous approval.

ADJOURN Meeting was adjourned at 7:48 P.M. by Chairman Linda Hansen.

Linda Hansen, Chairman

Linda Acock, Clerk